

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

RICHMOND DIVISION



KATHY STEELE, Administrator of the Estate
of Robert David Steele

-and-

EARTH INTELLIGENCE NETWORK

Plaintiff,

vs.

JASON GOODMAN

Defendants

Case No.: 3:21-cv-00573-JAG

**MOTION TO REASSIGN CASE AND
HOLD COUNSEL FOR PLAINTIFF IN
CONTEMPT OF COURT FOR
REPEATED FAILURE TO FOLLOW
COURT ORDERS**

Pro Se Defendant Jason Goodman ("Goodman") respectfully moves this court to reassign the case to the Honorable M. Hannah Lauck pursuant to her orders issued orally during the September 3, 2020 Show Cause Hearing (*See Steele et al v Goodman et al Case 3:17-cv-00601-MHL Document 215 page 97 line 3*) and further moves the Court to hold counsel for plaintiffs Steven S Biss ("Biss") in contempt of court for repeated and ongoing failure to follow orders.

PRELIMINARY STATEMENT

This and other Courts including the Honorable M. Hannah Lauck have admonished Biss for his repeated failure to follow orders notably with regard to meeting and conferring in good faith with Goodman. Judge Gibney's most recent order issued February 2, 2023 (ECF No. 51) reiterates the need for the parties to meet and confer in good faith and specifically cites the requirement that "neither party may simply refuse to respond to the other party as this litigation proceeds."

OBJECTION TO ORDER- 1

**ONGOING DISAGREEMENT REGARDING ALLEGED MISREPRESENTATION BY
PLAINTIFFS**

A disagreement has existed between the parties for several days pertaining to the representation of the ex-parte email provided as EXHIBIT A within ECF No. 43-1. The exhibit is intended to represent the email exchange between Biss and [REDACTED] however the text provided by Biss displays several anomalies that caused Goodman to request a copy of the original communication. Specifically, the exhibit provided by Biss omits header information from [REDACTED] initial message. Furthermore, the text of this exhibit utilizes multiple fonts suggesting elements may have been copied and pasted together to form this exhibit. This is unusual to say the least and even if the Court finds Goodman's request irrelevant to resolving substantive matters in this litigation, surely providing the message would not prejudice plaintiffs in any way. The request is reasonable on Goodman's part, particularly given well documented history of contention in this litigation. The anomalies present in Biss' provided exhibit, coupled with his failure to respond to two initial requests and his ongoing refusal to provide the original message gives rise to suspicion and constitute a failure to follow the Court's specific orders with respect to avoiding the need for unnecessary motions.

On January 31, 2023, at approximately 1:36pm Goodman sent Biss a request that he forward the original ex-parte communication (**EXHIBIT A**). There was no response to this request at all. More than one hour later and after Biss had provided multiple responses to [REDACTED] emails pertaining to the scheduling of the pretrial conference, a second request was sent to Biss (**EXHIBIT B**). Biss responded refusing to forward the email message. Goodman warned Biss that failure to provide the original message would result in Goodman filing another motion seeking an order to hold him in contempt of court. This warning did not sway Biss. At

OBJECTION TO ORDER- 2

1 the time of this writing, Biss continues to refuse to provide this email and merely offers a veiled
2 threat, stating that the proposed motion to hold him in contempt would violate rule 11
3 **(EXHIBIT C)**. Goodman does not agree with that conclusion and thus submits this motion to
4 hold counsel for plaintiffs in contempt of court.
5

6 **CONCLUSION**

7 For the reasons stated herein, the Court should hold Biss in contempt of court for
8 repeated failures to comply with orders and should reassign this to the Honorable M. Hannah
9 Lauck pursuant to her oral orders at the show cause hearing.
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11
12 Signed this 2nd day of February 2023

13 Respectfully submitted,

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